

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY TINKER,

No. 07-30180-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Before the Court is a motion to continue trial submitted by Defendant Tinker (Doc. 57). The Court finds that the trial should be postponed because Defendant is scheduled to make a proffer on October 3, 2008. To force the Defendant to trial prior to having an opportunity to explore the possibility of resolving the case with a plea would be a manifest miscarriage of justice. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Tinker in a speedy trial. Therefore, the Court **GRANTS** Defendant Tinker's motion to continue trial (Doc. 57) and **CONTINUES** the jury trial scheduled for October 6, 2008 until **December 8, 2008 at 9:00am**. The time from the date Defendant Tinker's motion was filed, September 18, 2008 until the date on which the trial is rescheduled,

December 8, 2008, is excludable time for the purposes of a speedy trial.

IT IS SO ORDERED.

Signed this 2nd day of September, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**